



UNITED STATES OF AMERICA,
Plaintiff,
v.
ANDRE MORROW LACKNER,
Defendant.

Case No. CR 22-00603-DSF
ORDER OF DETENTION

I.

On December 21, 2022, Defendant made his initial appearance on the indictment filed in this matter. Deputy Federal Public Defender Carel Ale was appointed to represent Defendant. The government was represented by Assistant United States Attorney Elizabeth Douglas. A detention hearing was held.

On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety of any person or the community [18 U.S.C. § 3142(e)(2)].

II.

The Court finds that no condition or combination of conditions will reasonably assure: the appearance of the defendant as required.

the safety of any person or the community.

III.

The Court has considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the history and characteristics of the defendant; and (d) the nature and seriousness of the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also

1 considered all the evidence adduced at the hearing and the arguments of counsel,
2 and the report and recommendation of the U.S. Pretrial Services Agency.

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4 IV.

5 The Court bases its conclusions on the following:

6 As to risk of non-appearance:

7 allegations in the indictment include threats to harm others and
8 himself, which, when coupled with history of making threats and related conduct,
9 strongly suggest an unwillingness to abide by any court ordered conditions of
10 release

11 prior violation of court ordered supervision

12 As to danger to the community:

13 allegations in the indictment and nature and circumstances of
14 alleged offense – involving threats to conduct mass shootings and direct
15 threats to specific victims made repeatedly by text message.

16 criminal history includes prior (misdemeanor) conviction for
17 making threats for which Defendant violated terms of court ordered
18 supervision

19 pattern of conduct involving threats to commit mass shootings,
20 including by text messages and on line posting and continuing to do so even
21 after being admonished by law enforcement; attempting to circumvent
22 prohibition on obtaining firearms in California by making inquiries about
23 how to obtain firearm illegally from another state and viewing layout of
24 cruise ship for and in anticipation of mass shooting.

25 history of mental health issues including commission of alleged
26 offense while receiving mental health counseling.

1
2 V.
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4 IT IS THEREFORE ORDERED that the defendant be detained until trial.
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6 The defendant will be committed to the custody of the Attorney General for
7 confinement in a corrections facility separate, to the extent practicable, from
8 persons awaiting or serving sentences or being held in custody pending appeal.
9 The defendant will be afforded reasonable opportunity for private consultation
10 with counsel. On order of a Court of the United States or on request of any
11 attorney for the Government, the person in charge of the corrections facility in
12 which defendant is confined will deliver the defendant to a United States Marshal
13 for the purpose of an appearance in connection with a court proceeding.

14 [18 U.S.C. § 3142(i)]
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16 Dated: December 21, 2022
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18 _____ /s/
19 ALKA SAGAR
20 UNITED STATES MAGISTRATE JUDGE
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